

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-071503

05/27/2011

HONORABLE WILLIAM L. BROTHERTON JR.

CLERK OF THE COURT

J. Hill

Deputy

IN RE THE MATTER OF
RICK M JORGIC

JOE M ROMLEY

AND

RHONDA L CHAPTON

RHONDA L CHAPTON
12562 WEST FAIRMOUNT AVENUE
AVONDALE AZ 85392

HEARING

Northwest Facility, Courtroom 121

4:02 p.m. This is the time set for an Evidentiary Hearing regarding Petitioner's Petition for Contempt for Respondent's Petition for Contempt for Respondent's Non-Compliance with Court's Order of March 7, 2011 filed March 11, 2011. Petitioner/Father Rick Jorgic is present and represented by counsel, Joe M. Romley. Respondent/Mother Rhonda Chapton is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Rick Jorgic and Rhonda Chapton are sworn.

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Discussion is held regarding status of the case and pending issues.

Rhonda Chapton testifies.

Respondent's exhibits 1, 2 and 3 are marked for identification and received in evidence.

The Court notes that the March 7, 2011 minute entry entered the following orders:

"IT IS ORDERED that Mother shall send the cell phone bill to the office of counsel for Father by 5:00 p.m. on March 8, 2011. Alternatively, Mother may provide the necessary information to access the cell phone bill to the office of counsel for Father by 5:00 p.m. on March 8, 2011."

"IT IS FURTHER ORDERED that Mother shall have the cell phone turned back on by 5:00 p.m. this date."

The Court finds that Mother did not fully comply with the Court's March 7, 2011 orders.

IT IS ORDERED that Mother is hereby found in contempt of court for failure to abide by the Court's March 7, 2011 orders.

IT IS FURTHER ORDERED in order to purge the contempt citation, Mother shall comply with the orders issued herein with regard to telephone contact between Father and the children. Any interference with telephone contact between Father and the children may result in Mother being incarcerated as discussed on the record and to be set forth in full detail in a formal written order to be submitted by counsel.

IT IS FURTHER ORDERED without objection Father shall obtain a cell phone for the children. Father shall pay for 100% of the cell phone costs with no reimbursement from Mother. Both parents may use the cell phone to call or text the children. The cell phone shall go with the children. The cell phone may not be taken away from the children by either parent without prior written permission from the other parent. Father shall insure that the GPS is turned off on the children's cell phone.

IT IS FURTHER ORDERED counsel for Father shall submit a formal written order with regard to Father obtaining a cell phone and Mother cooperating to facilitate telephone contact.

The Court has received and reviewed the Parenting Coordinator's Report to the Court dated May 9, 2011 filed on May 9, 2011.

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IT IS ORDERED that counsel for Father shall file a notice with the Court setting forth the status of Father's payment arrangements for the Parenting Coordinator fees by June 6, 2011.

IT IS FURTHER ORDERED that Father shall have the children during the Memorial Day holiday in 2011.

IT IS FURTHER ORDERED setting an **Evidentiary Hearing on August 24, 2011 at 1:30 p.m.** (2 hours allotted) before Honorable Michael Kemp at the Northwest Regional Court Center, Courtroom 121, 14264 W. Tierra Buena Lane, Surprise, Arizona 85374.

The Evidentiary Hearing will address Petitioner's Petition for Post-Decree Modification of Parenting Time and Child Support and for the Entry of Parenting Orders filed May 12, 2011.

Pursuant to Rule 77(B)(1), Arizona Rules of Family Law Procedure (A.R.F.L.P.), each party will be allowed approximately one-half of the time allotted to present his/her case. The time will not be extended absent a timely filed motion granted by the Court.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, A.R.F.L.P., no later than five (5) days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-Hearing Statement shall include a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines and a specific proposal for visitation by each party.

IT IS FURTHER ORDERED that each party shall file a current Affidavit of Financial Information and present a copy to this Division no later than five (5) days prior to the hearing. Each party shall ensure that the opposing party receives a copy of the Affidavit of Financial Information in accordance with the discovery and disclosure deadlines set forth herein.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, A.R.F.L.P., including an exchange of all relevant information, documents and exhibits no later than 5:00 p.m. on August 3, 2011.

2. All depositions and discovery contemplated by Rules 49 through 65, A.R.F.L.P., shall be completed and any motions regarding discovery shall be filed no later than 5:00 p.m. on August 10, 2011.

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3. Counsel and/or both parties shall personally meet, face to face (unless there is an Order of Protection in place), at least ten (10) days prior to Evidentiary Hearing, to conduct settlement discussions and narrowing of all procedural and substantive issues in this case.

The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

IT IS FURTHER ORDERED that the failure of counsel and/or either party to appear at the time of hearing, or to timely present the Joint Pre-Hearing Statement in proper form shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), A.R.F.L.P. and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED as follows:

1. Counsel and/or the parties shall submit all exhibits to this Division at least five (5) business days prior to the hearing. Exhibits shall not be filed at the Clerk of Court filing counter.

2. **The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the hearing.** Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or being returned to the party at the hearing without having been marked.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. (The clerk will reuse the colored pages if they are left blank.) Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. Exhibits will most likely be marked in the order received. The parties will receive an exhibit worksheet at the time of hearing which will be the master list.

5. Duplicate exhibits shall not be presented.

6. The parties shall provide the adverse party with a separate copy of all exhibits.

Information regarding exhibits for parties not represented by counsel:

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The Court does not automatically review exhibits. Each party will need to offer his/her exhibits into evidence during the hearing by stating to the Court that he/she is offering exhibit(s) 1, 2, 3, etc. The party will need to explain the relevance of each exhibit to the Court. Exhibits that are not received into evidence during the hearing will be returned to the party at the conclusion of the hearing without the Court reviewing the exhibit(s).

Counsel and/or the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, A.R.F.L.P.

Warning: If only one party appears for the hearing, the Court may strike the pleadings of the absent party and allow the party that appears to proceed by default. The Court may enter other sanctions, including the issuance of a civil arrest warrant or child support arrest warrant for the non-appearing party. If both parties fail to appear, the entire case may be dismissed without further notice to either party.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

May 27, 2011

/ s / William L. Brotherton, Jr.

DATE

HONORABLE WILLIAM L. BROTHERTON, JR.
SUPERIOR COURT JUDGE

5:02 p.m. Matter concludes.

FILED: Exhibit Worksheet

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.